

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 3RD DAY OF APRIL, 1998

BEFORE

THE HON'BLE MR.JUSTICE H.N.NARAYAN

CIVIL REVISION PETITION NO.767/1998

BETWEEN:-

Smt.Shakuntala @ Bharathi,

W/o.Seth Ramachand M.Makhiya,

Aged about 49 years,

P.A.Apartments Shivalaya Building

3rd Floor, B Block,

Opp.: Children Hospital Halls Road,

Egmore,

Madras - 600 105.

... PETITIONER

(By Sri.N.S.Krishnan, Advocate)

A N D:-

1. Sri.Hansraj G.Sachdev,

S/o.Late Gobindaram,

Aged about 55 years,

R/o.No.68, Upstairs,

3rd Block, S.C.Road,

Bangalore - 560 009.

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2. Sri.Prakash,
S/o.Late Gobindaram,
Aged about 47 years,
R/o.No.68, Upstairs,
3rd Block, S.C.Road,
Bangalore - 560 009.
3. Sri.P.K.Manoharlal Ahuja,
S/o.Late Gobindaram,
Aged about 52 years,
R/o.No.104-13,
Queens Apartments,
Queens Corner,
Dr.Ambedkar Road,
Bangalore - 560 001. ... RESPONDENTS
(By Sri.M.G.Sathyanarayana Murthy,
Adv. for C/R-3)

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Civil Revision Petition is filed U/s.115
of CPC against the order dated 12-11-1997
passed in O.S. No.736/1994 on the file of the
VI Additional City Civil Judge, Bangalore.

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-: 3 :-

This Civil Revision Petition coming on for admission this day, the court made the following:

O R D E R

This revision is directed against an order of the trial court rejecting I.A-IX filed by the petitioner under Section 10 CPC requesting the trial Court to stay further proceedings in miscellaneous case 803/95 till disposal of O.S.5517/1993.

2. MIs.803/95 is filed for vacation of the probate issued by the competent court. O.S.5517/93 is filed for possession of the particular portion of the property involved in the subsequent partition suit in O.S.736 of 1994. The comprehensive suit is now pending in latest O.S.736/94 between the parties. The parties have raised all the contentions that were involved in Misc.803/95 and O.S.5517 of 1993. The trial court, having regard to these facts, has observed that the plaintiffs in the suit

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O.S.736/94 were to succeed naturally the other suit has to be dismissed and if the suits are clubbed and consolidated together, there is no need to stay the earlier suit O.S.5517/93 and that the stay of further proceedings in Miscellaneous Case will not serve any purpose. It is in this background that the trial court has rejected the application though the trial court has allowed the application I.A's 7 and 8 filed for different reliefs. After hearing the learned counsel for the petitioner and the respondents, I find no material irregularity in the order passed which require to be considered in the revision. Therefore, revision is dismissed.

Sd/-
JUDGE.

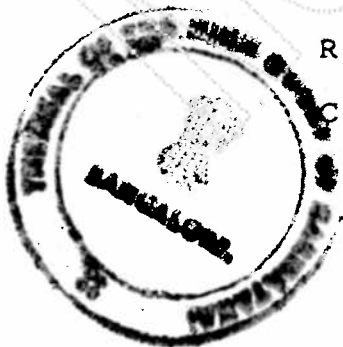
vns.

R. By : *CR*

C. By : *A*

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Assistant Registrar
High Court of Karnataka
Bangalore-560 001



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